



INTENTIONS PAPER SERIES

REVIEW OF
BRITISH COLUMBIA'S
SITE REMEDIATION
LEGAL REGIME



B.C. MINISTRY
OF ENVIRONMENT
LAND REMEDIATION SECTION



**PREVENTION OF SITE
CONTAMINATION FROM
SOIL RELOCATION**



Ministry of
Environment

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Review of British Columbia’s Site Remediation Legal Regime

INTENTIONS PAPER

PREVENTION OF SITE CONTAMINATION FROM SOIL RELOCATION

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1 Introduction

The B.C. Ministry of Environment (the ministry) plans to update some aspects of British Columbia's contaminated sites legal regime, including provisions related to soil relocation – specifically, for the management of soil on receiving sites and for the prevention of contamination from soil relocation.

The ministry issued a discussion paper on this topic in October 2014 and has carefully reviewed the resulting comments from stakeholders, as well as practices in other jurisdictions. This intentions paper presents the ministry's current views on what would constitute effective, workable provisions for managing soil and preventing contamination.

The ministry is requesting stakeholder comments on this intentions paper (see Section 7, Invitation to Comment). All comments will be taken into account as we finalize soil relocation provisions that meet ministry priorities and objectives and also address stakeholder concerns with the existing provisions.

2 Background

2.1 Why were soil relocation provisions established?

Contaminated sites exist in every city, town, community and regional district in British Columbia. At present, the provincial Site Registry contains information on over 18,000 sites. Many of these sites contain contaminated soil.

During the 1980s, redevelopment of industrial lands in Vancouver's False Creek, Victoria's harbour, and elsewhere generated contaminated soil that was relocated to sites in other communities, causing public concern about the environmental risks and liabilities to the receiving communities. As a result, local governments in the Lower Mainland and other parts of the province created bylaws to control the deposit of relocated soils. The resulting patchwork of requirements was confusing and led to the province establishing a Soil Management Task Force in 1991. The Task Force consulted with local governments and other stakeholders, who requested a uniform and coordinated regulatory approach to

- determining soil quality,
- transporting contaminated soils,
- remediating sites with contaminated soils and
- siting facilities to store or remediate contaminated soils.

A priority for the Task Force was to identify suitable reuse opportunities for soil to prevent it from taking up valuable space in landfills. Task Force recommendations were addressed in legislation passed in 1993 that established the current legal regime – the

Contaminated Sites Regulation authorized under the *Environmental Management Act* (previously called the *Waste Management Act*).

2.2 What are the current soil relocation provisions?

Provisions for contaminated sites in the *Environmental Management Act* (the Act) and Contaminated Sites Regulation (the Regulation) establish a process for tracking the transport and deposit of soils from contaminated sites.¹ The primary regulatory tool for this process is a Contaminated Soil Relocation Agreement (hereafter referred to as a Soil Relocation Agreement or SRA) made among the owner/operator of a source site (of soil), the owner or operator of a receiving site and the Director of Waste Management (for the Province). The purpose of Soil Relocation Agreements is to ensure that soils are relocated only to suitable deposit sites. For example, if soil does not meet the standards for agricultural land use, it cannot be relocated to agricultural sites.

The ministry has prepared fact sheets and procedural guidance documents about soil relocation, which can be viewed and downloaded from the ministry's [Site Remediation – website](#).

2.3 How do soil relocation provisions work?

Soil Relocation Agreements are governed by Section 55 of the Act and Part 8 of the Regulation. They authorize the relocation of soils to a suitable receiving site, and they are required when (1) the soil to be relocated exceeds “trigger values” set out in Schedule 7 of the Regulation and (2) the receiving site is not authorized under the Act to receive the soil. Transported soil must meet the applicable numerical or risk-based standards for the receiving site; these standards are set based on the existing and future uses of the receiving site (e.g., residential, agricultural, commercial, or industrial) and, for risk-based standards, other characteristics of the site.

There are a number of exemptions to the requirement for a Soil Relocation Agreement, including transport of less than five cubic metres of soil, moving soil of a certain quality within a site, deposit in landfills authorized under Part 2 of the Act to receive contaminated soils, and others.

2.4 Concerns with current soil relocation provisions

Since the 1990s, the ministry has seen an increase in remediation of contaminated sites. However, over the same time period, the number of Soil Relocation Agreements issued

¹ See the BC Laws website (www.bclaws.ca) for full text of the *Environmental Management Act* and Contaminated Sites Regulation. Soil relocation provisions are addressed under Section 55 of the Act and Part 8 of the Regulation.

by the ministry has decreased dramatically. The decrease could be due in part to an increase in the use of landfills authorized by the ministry to receive contaminated soils. However, concerns have been raised with the ministry, from both local government and the public, that considerable volumes of soils are being relocated without an agreement – due to either ignorance of the law or avoidance of regulatory obligations.

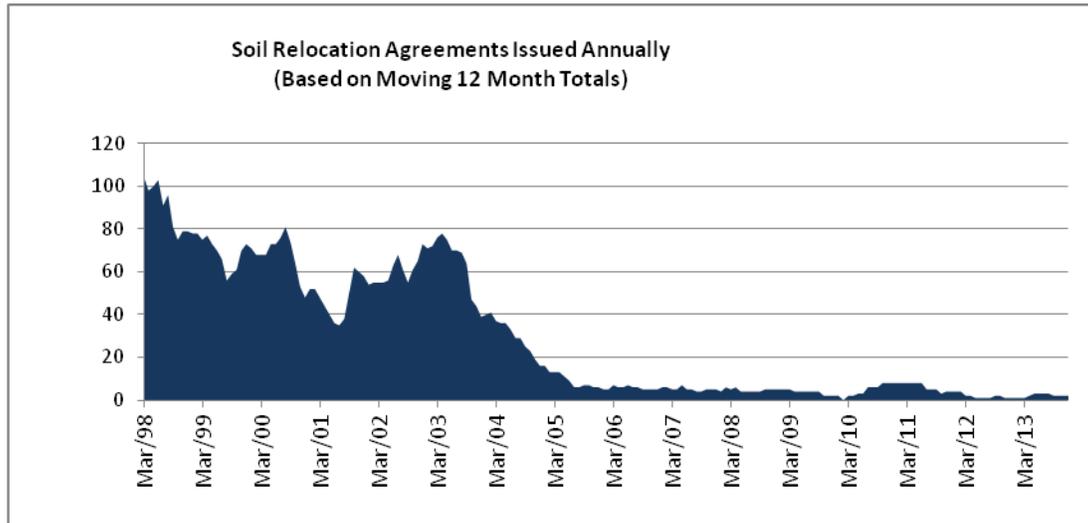


Figure 1: Number of Soil Relocation Agreements Issued Annually

A number of concerns with the current soil relocation provisions have been identified by ministry staff and stakeholders, including the following:

The provisions are complicated and onerous

- The provisions are unnecessarily complicated – particularly the criteria for triggering Soil Relocation Agreement requirements.
- The definition of a “contaminated site” in the context of requirements for relocation of contaminated soil is awkward and may be overly conservative.
 - For example, the substance concentrations that trigger a requirement for a soil relocation agreement may be overly stringent (background concentrations sometimes exceed these trigger values).
- The name “Contaminated Soil Relocation Agreement” is misleading. Soils not considered contaminated at a source site could be considered contaminated at a receiving site, depending on the applicable land use standards for each of the sites. Conversely, soil that is deemed contaminated for residential purposes may not be considered contaminated for deposit at a commercial or industrial property.

- Obtaining a Soil Relocation Agreement takes too long, and the requirements for soil investigation and application for a Soil Relocation Agreement are expensive for clients.
- Additional Soil Relocation Agreement exemptions are needed.

The provisions are poorly understood and applied

- Clarity is needed regarding the relationship between local governments' soil deposit and removal bylaws and provincial soil relocation requirements.
- Currently, federal lands, including First Nations on federal lands, are exempt from the soil relocation provisions, and this exemption is poorly understood.
- The application of regulatory provisions to sediment and vapours is unclear and was not considered when the legislation was initially drafted.

3 Ministry Priorities and Objectives

Regulations governing the prevention of site contamination from soil relocation should protect human health and the environment while recognizing that developing sites have social and economic interests. These principles should guide the management of any excess soil associated with redevelopment.

The ministry has identified the following priorities and objectives for the management of receiving sites and for the prevention of site contamination from soil relocation.

Priorities

- Protect human health and the environment, ensuring that the owners of source and receiving properties are knowledgeable about relocated soil suitability.
- Avoid the creation of new contaminated sites.
- Facilitate the suitable reuse of excess soils.
- Expand options for suitable management of soils from contaminated sites.
- Protect groundwater resources for current and future generations.

Objectives

- Ensure that any potentially contaminated soil being relocated is deposited at an appropriate site.
- Create a regulatory system for soil relocation and remediation of contaminated sites that is effective, fair, streamlined and consistent across the province.
- Specify clear requirements in the legislation, reducing statutory decision making by the Director and the need for ministry oversight.
- Require notification of soil management to appropriate local governments.

- Provide stakeholders with increased certainty, transparency and predictability of process.
- Promote increased compliance with regulatory requirements.

4 Review of Other Jurisdictions

To ensure that the ministry is aware of best practices for soil relocation, we have reviewed related legislation from numerous other jurisdictions and compared and contrasted it with our current and proposed processes.

Canada and Europe

Canadian Council of Ministers of the Environment. (Draft, 2016). *Best Management Practices and Guiding Principles for the Beneficial Reuse of Excess or Treated Soil*. (Unpublished draft.) Winnipeg: Canadian Council of Ministers of the Environment.

- This document includes summaries of the legal regimes for B.C., Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Nova Scotia, P.E.I., Newfoundland and Labrador, Yukon, N.W.T, Nunavut, the Netherlands, Belgium and the U.K.
- There are a number of different approaches to regulating the contamination that may arise from managing excess soil.
- Quebec's approach is similar to B.C.'s – it uses standards and traceability protocols.
- Many provinces and territories use some sort of authorization process (permitting).
- The United Kingdom manages contaminated soil through authorizations (permits, licences, and others) in conjunction with a screening process to determine what is contaminated and what is not.
- In the Netherlands, soil relocated must be no more contaminated than the receiving site and must be “fit for use” for both present and future activities.
- Belgium uses soil reuse standards and has soil traceability protocols.

Ontario

Ontario Ministry of Environment, Central Region. (2014). *Management of Excess Soil – A Guide for Best Management Practices*. Toronto: Queen's Printer.

- Provides guidelines for best management practices, but not requirements.
- Recommends operational plans for source and receiving sites.

Ontario. Ministry of Environment. (n.d.). *Proposed Excess Soil Management Policy Framework* [PDF]. Retrieved from

http://www.downloads.ene.gov.on.ca/envision/env_reg/er/documents/2015/012-6065_Framework.pdf

- Future processes will require that soil generators improve their soil tracking and will focus on proper planning for the reuse of soils.
- Soil management plans will be required.
- Receiving sites will continue to be subject to oversight through permitting. This will include municipal authorizations.
- The ministry will provide guidance on testing and sampling and a better approach to standards.

USA

Association of State and Territorial Solid Waste Management Officials – State Superfund Focus Group. (2012). *State Management and Potential Reuse of Marginally Contaminated Soils*. Washington, DC: ASTSWMO.

- Depending on the state, standards, regulations and screening numbers are used to determine when soil is marginally contaminated and when requirements are imposed.
- Marginally contaminated soil can be reused in many states for specific prescribed activities such as road base, onsite and offsite fill or landfill cover.

United Kingdom

Contaminated Land: Applications in Real Environments (CL:AIRE). (2011). *The Definition of Waste: Development Industry Code of Practice*. London: CL:AIRE.

CL:AIRE. (n.d.). *Use of the Definition of Waste: Development Industry Code of Practice (DoW CoP) in London & the South East* [PDF]. Retrieved from <http://www.claire.co.uk/>

Clear management of contaminated soil on and off source sites is achieved by using a qualified professional to track the quality, quantity and location of soils.

- The DoW CoP includes an options appraisal to better determine the appropriate final use of soils on the site of origin and at receiving locations.
- Contingency plans for unforeseen issues are required.
- Verification reports are required to confirm that the soil has been managed according to the management option chosen.
- An audit of the process showed that tracking and verification of soil management was not always complete and that soil management records were difficult for regulators to obtain quickly.

5 Proposed Soil Relocation Provisions

The ministry's primary interest with respect to soil relocation is to protect human health and the environment. We propose to achieve this by establishing regulatory guidance, compliance monitoring and enforcement that are consistent across the province and are easy to implement with minimum ministry oversight. Based on published studies and on feedback provided through public consultation, the ministry believes that the most effective way to achieve this may be through a process with the following five components:

- chemical characterization of soil;
- a notification process with Approved Professional certification that the soil is suitable to be relocated to the receiving site under the numeric land use standards;
- ministry authorization/approval for risk-based soil relocation;
- an audit component; and
- requirements for specific activities.

Details of the ministry's proposed soil relocation provisions are provided in the following sections.

5.1 Key benefits of the proposed soil relocation process

Compared to the existing provisions for soil relocation, the intent of the proposed provisions is to be simpler, less onerous, more transparent, and less expensive.

Simpler. The current criteria for triggering Soil Relocation Agreement requirements are highly conservative and poorly understood. Under the proposed process, for any source site **where a Schedule 2 activity has been present**, either of the following two criteria would trigger the need for soil relocation notification:

- The volume of soil is greater than a specified minimum, OR
- Soil has originated from a high risk site as defined in Protocol 12,² and soil meets the numeric land use standards for the receiving site.

The ministry is also considering risk-based soil relocation with ministry authorization/approval.

² B.C. Ministry of Environment. Protocol 12 for Contaminated Sites, "Site Risk Classification, Reclassification and Reporting," Version 2.0. March 12, 2013.

Less onerous. Under the proposed process, soil relocation agreements may no longer be required for soil that meets the numeric land use standards for the receiving site. Instead, a proponent would complete a notification and certification form (soil relocation form) and submit it to the ministry for inclusion on the Site Registry. This notification could include confirmation that the receiving site is willing to accept the material and has undertaken the appropriate due diligence.

For soil that does **not** meet the numeric land use standards for the receiving site, the ministry is considering an approval/authorization process for risk-based soil relocation.

Please note that in addition to provincial requirements, federal or municipal requirements may exist.

More transparent. Our goal is that soil relocation forms and supporting documents/reports would be uploaded to the ministry website and would be visible and readily available to local governments, First Nations and the public. Implementing such a system may take some time, however, in the meantime, this information, like all soil relocation information, is available to the public from the ministry through the information request process. For sites accepting large quantities of soil, the ministry could establish additional requirements under the regulations or under a director's protocol.

The main differences between the current process for Soil Relocation Agreements and the proposed process are summarized in Table 1.

*Note: Table 1 is a summary only. It must be read in conjunction with the rest of this intentions paper for a full understanding. Details are provided in the remainder of this intentions paper.

Table 1. Comparison of the existing Soil Relocation Agreement process and the proposed process

Aspect of process	Existing process for Soil Relocation Agreements (SRAs)	Proposed process
Triggers for notifying the ministry and public	Soil exceeds trigger values in the Regulation – Schedule 7, 10 or 11, and the receiving site is not permitted under the Act to accept the contaminated soil without a SRA.	The source site has had a Schedule 2 activity, and the soil to be moved offsite has greater than a specified volume or originates at a high risk site.
Process for notifying the ministry and the public	<p>Soil Relocation Agreement is made among the owner/operator of a source site, the owner or operator of a receiving site and the province (Director of Waste Management). It must be signed by all three parties.</p> <p>Copies of Soil Relocation Agreements are available to the public through information requests for records on the Site Registry.</p>	<p>For relocation of soil that meets the numeric land use standards for the receiving site, a soil relocation notification and certification form is completed by the proponent and is sent to the ministry or uploaded directly to the ministry website (future possibility). For soil that does not meet the numeric land use standards, an application for ministry approval for soil relocation using risk-based standards is being considered.</p> <p>It is intended that uploaded forms be available to the public.</p>
Requirements for receiving sites	Soil to be relocated must meet numerical or risk-based standards for the receiving site.	<p>Soil to be relocated must meet numerical standards or risk-based standards for the receiving site. The applicable standards will be influenced by a protocol that will address receiving sites that accept large quantities of soil.</p> <p>For sites that accept large</p>

Aspect of process	Existing process for Soil Relocation Agreements (SRAs)	Proposed process
		<p>quantities of soil, the ministry will either prescribe site-specific requirements or add new requirements to the Regulation or through a director’s protocol (e.g., for covering soil piles, monitoring groundwater, or reporting to the ministry).</p>
<p>Who approves the soil relocation?</p>	<p>The Director approves and signs off on all Soil Relocation Agreements based on the recommendations of Approved Professionals. In addition, the relocation must be agreed to by the source and receiving site owners.</p>	<p>No statutory (Director) decision would be required for relocation of soil that meets numeric land use standards for the receiving site. Proponents must adhere to regulatory requirements. Ministry guidance would state what must be done by people who wish to move soil. A Director’s decision may be required for risk-based soil relocation.</p>
<p>Compliance verification</p>	<p>The ministry follows up on complaints.</p>	<p>The ministry will audit the information provided on notification forms and will perform limited site inspections. Audits may be more frequent in the first one to two years and less frequent once it is clear that proponents understand and are complying with the requirements.</p>
<p>Notification to local governments</p>	<p>Local government is notified after the Soil Relocation Agreement is signed and a minimum of 96 hours before soil transport.</p>	<p>When a party proposes to move soil, the notification/certification form will be provided to local government and/or applicable First Nations for both the source and receiving sites</p>

Aspect of process	Existing process for Soil Relocation Agreements (SRAs)	Proposed process
	Soil relocation forms are publicly available through the site information request process.	possibly two weeks or more before relocation. The forms and supporting documents/reports will remain available through the site information request process. In addition, in the future, we propose to regularly post these to the ministry website for all local governments and others to see.

5.2 Chemical characterization of soil

We propose that characterizing soil prior to its relocation should still be mandatory and that the following requirements should remain unchanged:

- Soil and sediment sampling and analysis will continue to be as required by Technical Guidance 1, “Site Characterization and Confirmation Testing.”
- Sediment will continue to be considered soil once dredged for relocation to land.

We propose the following revised or new requirements:

- **Revised.** Soil will no longer be compared to the triggers in the Contaminated Site Regulation –Schedule 7. However, to determine its suitability for relocation, it will continue to be compared with applicable standards at the receiving site.
- **New.** For soil to be relocated, characterization may include a requirement to conduct leachate testing.

5.3 Soil vapour testing

Because soil is disturbed a number of times through the soil relocation process, collecting vapour samples at the source site and comparing them to applicable standards of the receiving site may not yield meaningful data regarding the soil’s acceptability for relocation.

In most circumstances related to soil relocation, it will not be necessary to characterize soil with respect to vapours:

- If the soil to be relocated meets the applicable numeric land use standards of the receiving site, vapours will likely not be a significant source of contamination due

to their volatile nature, which will cause vapour losses when soil is disturbed during extraction from ground, transport and deposit at the new location.

- Vapour characterization at the source site is not meaningful because the source concentration will not be representative of the soil once at the receiving site.

However, it will or may be necessary to conduct soil vapour sampling in the following situations:

- If risk-based soil relocation is being considered.
- If a legal instrument such as a Certificate of Compliance is needed at the source site, or if one will be needed in the future at the receiving site, then vapour testing will be a required part of the investigation, even if it is not needed to relocate soil.
- If the receiving site is to have structures built on relocated soil, then a vapour assessment at the receiving site may be required.
- Any requirements with respect to odour would still apply.

5.4 Triggers for notifying the ministry and public

Under the proposed process, the following would be a trigger for notifying the ministry and public about soil relocation:

- A Schedule 2 activity has been present on the site, and
- The volume of soil is greater than a specified amount (the amount is yet to be determined).*

Note that Schedule 2 would be revised as described in the ministry's intentions paper titled *Site Identification Process: Identification of Contaminated Sites*, dated April 2016.

*A possible exception: The ministry may not allow a low-volume exemption for soil from high risk sites or from sites with specific classes of commercial or industrial activities.

5.5 Process for notifying the ministry and public

Under the proposed process for notifying the ministry, a responsible person or qualified representative would complete a detailed information and certification form and submit the form to the ministry (or upload it directly to the ministry web page) as well as send a copy of the form to the local government and/or First Nation, as applicable. This process would be similar to the existing notification of commencement of independent remediation. It would also include certification from an Approved Professional confirming that the soil to be relocated meets the applicable standards for the receiving site and is suitable for relocation. It is intended that the uploaded forms be available to the public.

The form may include requirements for the following information:

- source site information, including contact information

- transporter name and licence plate number
- receiving site information, including contact information
- soil quality data (laboratory reports)
- soil quantity
- date of relocation
- Approved Professional certification that the soil is suitable for relocation to the receiving site
- acceptance of soil to be relocated by the receiving site owner/operator
- additional details to be determined by the ministry

Under the proposed process, the soil information form would need to be completed and submitted, possibly two or more weeks before the soil transfer, to allow the ministry, municipalities, and the public sufficient time to read the form, identify any concerns they may have and request extra information from the source site contact to ensure that all applicable requirements for relocation of the soil have been met. Such requirements could include local government bylaws or federal requirements.

The above process is envisaged solely as a way to notify local governments. It is not intended as a consultation process, and the ministry will not expect a response for each submission.

Soil leaving a source site must be documented in the Site Risk Classification report where such a report is already required, and the report must include the location of the receiving property.

In the case of a risk-based soil relocation authorization, the proponent would be required to submit an application for ministry approval.

5.6 Requirements for receiving sites that accept large quantities of soil

Receiving sites that accept large quantities of soil will be obliged to follow requirements that the ministry will develop for sites that accept soil exceeding a certain volume. These requirements may be added to the *Environmental Management Act* and the Contaminated Sites Regulation or a separate protocol, and they may include any or all of the following:

- leachate testing
- soil management plan
- contingency plan for unacceptable soil
- the ability to test soil at the deposit site (including costs and temporary storage space) to confirm the soil's suitability for long-term deposit
- creating a cover for soil piles

- groundwater monitoring
- record keeping
- reporting to the ministry

Exemptions for some types of soil or soil-related material (e.g., clean crushed rock) may be developed.

5.6.1 Who approves soil relocation?

At present, the Director must approve and sign off on all Soil Relocation Agreements based on the recommendations of Approved Professionals. In addition, the relocation must be agreed to by the source and receiving site owners.

Under the proposed changes, no statutory (Director) decision would be needed or taken for soil relocation based on the numeric land use standards. The requirements that proponents must adhere to for moving soil would be set out in the regulation and/or protocols. The relocation of soil would still need to be agreed to by the source and receiving site owners. For risk-based soil relocation, ministry approval/authorization may still be required.

6 Compliance and Enforcement

6.1 Compliance verification

The ministry is committed to protecting human health and environment from the possible adverse effects of relocating contaminated soil. The ministry proposes to verify compliance with the new requirements by the following methods:

Audits of notifications. The ministry proposes to audit notifications of soil relocation as follows:

- Ensure the notification forms have been filled out completely by an Approved Professional or other qualified professional.
- Review of records for the same site to check for consistency of information.
- Conduct inspections of some sites.

Additional assurance. To confirm that people are filling out soil relocation forms when moving soil, the ministry may perform independent remediation notification audits and site risk classification report audits to determine if soil has been removed from a site.

Complaints and referrals. The ministry proposes to track all complaints and referrals. The ministry anticipates that local governments and residents would be able to review a soil relocation notification that has been posted and know whether there are local issues that could render the soil relocation problematic. For example, local governments will know if the proposed deposit site is zoned appropriately to accept the specified

shipment of soil. It is anticipated that by expanding the notification period local governments would have sufficient time to follow up on any potential bylaw compliance issues prior to the deposit of the soil at the receiving site.

The ministry anticipates undertaking more intensive and more frequent audits under the new system. For example, the audit process might be implemented in stages, with more frequent audits in the first one to two years to determine whether proponents have a good understanding of the new requirements and less frequent audits after that if it is clear that most proponents understand and are complying with the requirements.

Director's approval. Risk-based soil relocation may require an approval/authorization from the ministry prior to deposit of soil at the receiving site.

Director's requirements. If issues of non-compliance are brought to the ministry's attention as a result of ministry audits, complaints or referrals, the Director may, in accordance with the legislation, require a response such as groundwater monitoring, soil containment, soil cover, or additional soil sampling and site remediation.

6.2 Notification to local governments and First Nations

At present, local governments are notified after the Soil Relocation Agreement has been signed and a minimum of 96 hours before soil is moved.

Under the proposed changes, when a party proposes to move soil, the notification/certification form would be provided to local government and/or applicable First Nations for both the source and receiving sites at least two weeks prior to soil movement. The proposed change should allow more time for local governments and First Nations to follow up on any potential bylaw compliance issues prior to the deposit of the soil at the receiving site.

Please note that this is proposed to be a notification process, not a public consultation process. Although complaints will be received and handled appropriately, the ministry does not plan to approve relocation activities.

6.3 Clarifying definitions and the scope of soil relocation provisions

The ministry is considering alternatives to:

- clarify the definition of a "contaminated site" as it relates to the relocation of contaminated soil;
- support a common understanding of, and the consistent application of, regulations by removing the current exemption for federal lands, including for First Nations on federal lands;
- improve regulatory provisions that address sediment and vapours; and
- clarify the scope and application of exemptions to the requirement for notification – for example, exempting quarry rock from the regulatory requirements

7 Education and Training

The ministry recognizes that there will be a need for ministry support in order for those affected to understand and properly apply any changes made to the soil relocation requirements. To support and facilitate this, the ministry intends to provide public education and training opportunities, including the following:

- webinars;
- interactive training sessions for local governments and other stakeholders; and
- updates to the ministry website with new fact sheets and guidance documents for reference.

8 Invitation to Comment

Comments on the proposed provisions for preventing site contamination through soil relocation and updating soil relocation provisions can be provided to the Ministry of Environment by email attachment or by mail at the address listed below.

All comments received through this process will be reviewed and carefully considered by the ministry prior to proposing future legislative and regulatory amendments relating to soil relocation, which are anticipated to occur in 2017 or later.

Before submitting a response, interested parties are invited to participate in an information webinar scheduled to be held on Tuesday, July 19, 2016. If you are interested in receiving information about or participating in the webinar, please contact Margaret Shaw at the email or address below for further details.

The ministry has prepared consultation questions and included them in this intentions paper. We encourage those interested to submit comments on the proposed process using the prepared consultation questions or by separate submission if desired.

All submissions will be treated confidentially by ministry staff and contractors when preparing consultation reports. Please note, however, that comments you provide and information that identifies you as the source of those comments may be publicly available if a Freedom of Information request is made under the *Freedom of Information and Protection of Privacy Act*.

If you have any questions or comments regarding this intentions paper, or comments on the ministry's schedule for the consultation process, please contact Margaret Shaw, who has been contracted to manage consultation comments, at:

Email: margaret_shaw@shaw.ca

Mail: **Margaret Shaw, MSc, Writer/Editor/Consultant**
 703 Macintosh Street, Coquitlam, BC V3J 4Y4

Comments to the ministry should be made on or before August 31, 2016. Thank you kindly for your time and comments.

9 Consultation Questions

The B.C. Ministry of Environment relies on critical input from our stakeholders to assist us in making informed decisions related to changes in policy. To this end, we welcome your input and suggestions in streamlining and improving the soil relocation process and the ideas proposed in this intentions paper. In framing this request we respectfully ask that you take the time to reply to the following questions about this intentions paper, and we appreciate your time and effort in doing so.

1. Sections 5 and 6 – Do you generally support the ministry’s intention to regulate soil relocation by means of a notification process? If not, please explain why not. (Please note that for sites that accept large quantities of soil, the ministry is also considering including operational requirements in the Act and Regulation.)
2. Sections 5 and 6 – For the relocation of soil that exceeds the numeric land use standards for the receiving site, what do you think of the ministry’s proposal to potentially continue to manage the regulation this activity under the soil relocation process?
3. Sections 5 and 6 – If a risk-based approach is adopted for such soils (see Question 2), what do you think of the possible requirement for ministry approval/authorization?
4. Section 5.4 – What comments do you have regarding the triggers for notification? (Schedule 2 activity and soil over a to-be-determined specified volume.) Do you have any concerns about these triggers?
5. Section 5.4 – Triggers for notifying the ministry and public. We have proposed that one trigger for notifying the ministry about soil relocation from a Schedule 2 activity site will be a volume of soil greater than a specified amount (yet to be determined). What do you think should be the trigger volume?
6. Section 5.4 – What suggestions do you have regarding the exception to the requirement for notification process? (No minimum volume for soil relocated from high-risk sites.)
7. Section 5.5 – Do you think two weeks is the right amount of advance notice to local governments, First Nations, the public, and other stakeholders for soil transfer? Should the time be longer? Shorter? Why?

8. Section 5.6 – What is your opinion of the intended requirements for receiving sites that accept large quantities of soil (over a to-be-specified quantity)? What alternative requirements would you suggest for such sites?

9. Section 5.6 – What suggestions do you have regarding possible exemptions to the requirements? (Soil or soil-like material from some industries may be exempted, e.g., quarries and landscape supply companies.)

10. Section 6.2 – In your opinion, are the notification provisions for local government and First Nations acceptable? What comments or concerns do you have about these provisions?

Thank you very much for your comments and feedback.